

U.S. Application No. 09/855,003  
Attorney Docket No. DE 2309.02 US

PATENT

## **REMARKS**

### **I. Status**

In the Office Action mailed February 12, 2003, the Examiner noted that claims 1-18 were pending, rejected claims 1-5, 7-18, and objected to claim 6. Claims 1, 13, 14, and 17 have been amended, and new claims 19-24 have been added. Thus, in view of the foregoing, claims 1-24 remain pending for reconsideration, which is requested. No new matter has been added. The applicant respectfully traverses the rejection.

### **II. Claim Objection**

Claim 13 has been amended.

### **III. Rejection of claims under 35 U.S.C. § 102(b)**

Claims 1-5 and 7-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wakabayashi (U.S. Patent 5,905,255). The applicant respectfully traverses this rejection.

Wakabayashi discloses an objective lens driver having a movable element 2 and a fixed element 36 (see FIG 13). The movable element 2 has attached a first permanent magnet 3a and a second permanent magnet 3b (column 12, lines 44-45). Thus, Wakabayashi is similar to the prior art disclosed in FIG 4. of the specification which shows magnets M1 and M2 attached to a movable element. In contrast to Wakabayashi and FIG 4 of the specification, the present invention has the permanent magnets attached to the fixed element. The precision of the prior art driver is reduced by the heavy weight of the permanent magnets being attached to the movable element thus increasing its inertia. The present invention has the advantage of not having the heavy weight of the permanent magnets attached to the movable element.

Therefore, the present invention recited in claims 1-18 and depending claims

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therefrom is not suggested by the cited prior art.

#### **IV. Dependent Claims**

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite features not taught or suggested by the prior art. For example, claim 11 recites a first yoke assembly comprising two yokes being mounted on two opposite sides of said movable element. Nothing in the prior art teaches or suggests such a feature. The other dependent claims also recite additional distinguishing features. It is submitted that the dependent claims are independently patentable over the prior art.

#### **V. New Claims**

New claims 19-24 recite that the features of the present invention include a movable element having attached thereto an objective lens but not having attached thereto a permanent magnet, a tracking coil, and a focusing coil. It is submitted that the new claims distinguish over the prior art.

#### **VI. Allowable Claims**

The Examiner has indicated that claim 6 would be allowed if rewritten in independent form. Independent claim 19 has been written based on claim 6 including alternate language to clarify the claim.

#### **VII. Concluding Matters**

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowance of all the pending claims is respectfully requested.

Should there be any remaining questions to correct format matters, it is

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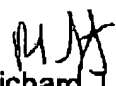
urged that the Examiner contact the undersigned attorney with a telephone interview to expedite and complete prosecution.

If any further fees are required in connection with the filing of this response, please charge same to our Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Date: May 8, 2003

  
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